

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 3:21-cr-0018</b>
	)	
<b>INOCENCIO ESPANA CASTILLO, NESTOR VERA ESCALANTE, and JAIRO RIASCOS PRECIADO</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

---

**ORDER**

**THIS MATTER** came before the Court on a pretrial status conference held on May 13, 2022.<sup>1</sup> During the status conference, the Court and the parties discussed, among others, the parties' readiness to proceed to Jury Selection and Trial scheduled for May 23, 2022, and the current circumstances surrounding the COVID-19 pandemic in the U.S. Virgin Islands. None of the parties objected to this matter being continued due to the rise in COVID-19 infection rates in the territory, specifically in St. Thomas, U.S. Virgin Islands.<sup>2</sup>

In response to the current conditions in the COVID-19 pandemic, the undersigned, as Chief Judge of the District Court of the Virgin Islands, issued a general order concerning operations of the Court on April 30, 2022, tentatively continuing the resumption of jury trials as determined and scheduled by the presiding judge in each case. The Court hereby fully incorporates the findings from the Court's Thirty-Seventh Operations Order as fully stated herein. The circumstances as far as the state of the COVID-19 pandemic in the Virgin Islands has changed dramatically from the date of the Thirty-Seventh Operations Order.

To date, the COVID-19 virus has claimed more than 1,002,020 lives in the United States (113 of which have been in the U.S. Virgin Islands). COVID-19 continues to present an

---

<sup>1</sup> United States Attorney Delia Smith, Esq. appeared on behalf of the United States; Assistant Federal Public Defender Melanie Turnbull, Esq. appeared on behalf of Inocencio Espana Castillo; Attorney Anita Hill, Esq. appeared on behalf of Nestor Vera Escalante; and Attorney Namosha Boykin, Esq. appeared on behalf of Jairo Riascos Preciado.

<sup>2</sup> On May 20, 2022, the Court entered an Order continuing the Jury Selection and Trial scheduled for May 23, 2022, to a date to be determined in a subsequent Order.

*United States v. Castillo et al.*

Case No.: 3:21-cr-0018

Order

Page 2 of 3

unpredictable threat to public health and safety, as shown in the recent surge in COVID-19 cases both in the continental United States and the Virgin Islands. Specifically, on May 16, 2022, the Virgin Islands Department of Health (“DOH”) reported that there are 901 active cases in the U.S. Virgin Islands (St. Thomas & Water Island – 518, St. Croix – 362, St. John – 21). The DOH also reported that the U.S. Virgin Islands was experiencing a positivity rate of 14.92% with sixteen (16) individuals hospitalized due to COVID-19. While the number of fatalities in the territory have not increased commensurately, the Court is wary that such a drastic spike in active cases may well precede a rise in COVID-19 related fatalities by several weeks. As such, the Court finds that extending the period within which Defendants may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendants, the jury, the prosecutors, the witnesses, the Court’s personnel, and the general public at large.

Additionally, the defense for Espana Castillo indicated that he was not ready to proceed to trial and requested an extension of time to file a potentially dispositive motion. The defense for Vera Escalante also indicated that he was not ready to proceed to trial because his case is likely to plea and needed more time to engage in plea negotiations with the Government. Finally, the defense for Riascos Preciado also was not ready to proceed to trial and indicated that there is a pending motion to dismiss awaiting ruling from the Court. *See* ECF No. 20.

After careful consideration and review and for the reasons stated on the record during the pretrial status conference held on May 13, 2022, it is hereby

**ORDERED** that Defendant Inocencio Espana Castillo’s motion requesting an extension of time to file dispositive motions is **GRANTED**. Defendant Castillo shall have until **May 27, 2022**, to file any potentially dispositive motions. The Government shall have until **June 6, 2022**, to file a response. Defendant Castillo may file a reply no later than **June 13, 2022**. It is further

**ORDERED** that the time beginning from the date of this order granting an extension through November 14, 2022, **SHALL** be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

*United States v. Castillo et al.*  
Case No.: 3:21-cr-0018  
Order  
Page 3 of 3

**ORDERED** that the parties **SHALL** file and serve a pre-trial brief no later than November 7, 2022, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

**ORDERED** that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than November 9, 2022;<sup>3</sup> and it is further

**ORDERED** that the Jury Selection and Trial in this matter previously scheduled for May 23, 2022, is hereby **RESCHEDULED** to commence promptly at 9:00 a.m. on November 14, 2022, in St. Thomas Courtroom 1 before Chief Judge Robert A. Molloy.

**Dated:** May 23, 2022

/s/Robert A. Molloy  
**ROBERT A. MOLLOY**  
Chief Judge

---

<sup>3</sup> Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.